



# Industrial Utility-Unit Exemption

For more information, see instructions and refer to 40 CFR 72.14

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This submission is: ~ New ~ Revised

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**STEP 1**  
Identify the unit by  
plant name, State,  
ORIS Code, and unit ID#.

Plant Name	State	Facility Code	Unit ID#
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**STEP 2**  
Read the statement and  
mark the box.

~ I certify that this unit is not a cogeneration unit.

**STEP 3**  
List all owners and operators  
of the unit beginning on the date  
the interconnection agreement  
was signed  
through the date the  
exemption is submitted.

Name:	~ Owner ~ Operator
Dates:	

Name:	~ Owner ~ Operator
Dates:	

**STEP 4**  
Read the statement and  
mark the box.

~ I certify that, starting on the date of the signing of the interconnection agreement, there has been no owner or operator of the unit, division or subsidiary or affiliate or parent company of an owner or operator of the unit, or combination thereof whose principal business is the sale, transmission, or distribution of electricity or that is a public utility under the jurisdiction of a State or local utility regulatory authority.

**STEP 5**  
Indicate dates interconnection  
agreement and any related  
power purchase agreement,  
and any successor agreement,  
were signed, and their  
expiration or termination dates  
(if any).

Date Interconnection Agreement Signed:	Termination Date:
Date Successor Agreement Signed:	Termination Date:

**STEP 6**  
Identify the generators  
served by the unit, the  
nameplate capacity  
of the generators, and  
the maximum amount  
of electricity that may  
be required to be produced  
for sale by the generators  
under the interconnection  
agreement and any related  
power purchase agreement  
or under any successor  
agreement.

Generators Served by Unit Under Interconnection Agreement		
Generator ID#	Nameplate Capacity (in MW)	Max. Electrical Sales (in MWe)

Generators Served by Unit Under Successor Agreement		
Generator ID#	Nameplate Capacity (in MW)	Max. Electrical Sales (in MWe)

**STEP 7**  
Read the statement and  
mark the box.

~ I have attached a copy of the interconnection agreement and any related power purchase agreement under paragraph 40 CFR 72.14(a)(2) and any successor agreement under 40 CFR 72.14(d)(4)(ii).

Plant Name (from Step 1)

**STEP 8: For each generator served by the unit, indicate for each year beginning in 1985, total actual electrical output, total actual electricity produced for sale, and total actual electricity produced and sold as required by the interconnection agreement and any related power purchase agreement under 40 CFR 72.14(a)(2) or any successor agreement under 40 CFR 72.14(d)(4)(ii).**

[illegible]

Plant Name (from Step 1)

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**STEP 9**  
Read the statement and mark the box.

~ Each generator served by the unit actually produced electricity for sale only for incidental electricity sales (in accordance with 40 CFR 72.14(a)(4)) required under the interconnection agreement and any related power purchase agreement under 40 CFR 72.14(a)(2) or any successor agreement under 40 CFR 72.14(d)(4)(ii).

**STEP 10**

Read the special provisions and certification, enter the name of the designated representative, and sign and date.

**Special Provisions**

(1) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 72.14 shall comply with the requirements of the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(2) For any period for which a unit is exempt under 40 CFR 72.14, the unit is not an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71 and is not eligible to be an opt-in source under 40 CFR part 74. As an unaffected unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR parts 70 and 71.

(3) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 72.14 shall retain at the source that includes the unit records demonstrating that the requirements of 40 CFR 72.14(a) are met. The owners and operators bear the burden of proof that the requirements of 40 CFR 72.14 are met. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Administrator or the permitting authority. Such records shall include the following information:

(i) A copy of the interconnection agreement and any related power purchase agreement under 40 CFR 72.14(a)(2) and any successor agreement under 40 CFR 72.14(d)(4)(ii); (ii) The nameplate capacity of each generator served by the unit; and (iii) For each year starting in 1985, the actual annual electrical output of each generator served by the unit, the total amount of electricity produced for sales to any customer by each generator, and the total amount of electricity produced and sold as required by the interconnection agreement and any related power purchase agreement under 40 CFR 72.14(a)(2) or any successor agreement under 40 CFR 72.14(d)(4)(ii).

(4) Loss of exemption. (i) On the earliest of the following dates, a unit exempt under 40 CFR 72.14 shall lose its exemption and become an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71: (A) The first date on which there is an owner or operator of the unit, division or subsidiary or affiliate or parent company of an owner or operator of the unit, or combination thereof whose principal business is the sale, transmission, or distribution of electricity or that is a public utility under the jurisdiction of a State or local utility regulatory authority. (B) If any generator served by the unit actually produces any electricity for sale other than for sale to the person specified as the purchaser in the interconnection agreement or any related power purchase agreement under 40 CFR 72.14(a)(2) or a successor agreement under 40 CFR 72.14(d)(4)(ii), then the day after the date on which such electricity is sold. (C) If any generator served by the unit actually produces any electricity for sale to the person specified as the purchaser in the interconnection agreement or any related power purchase agreement under 40 CFR 72.14(a)(2) or a successor agreement under 40 CFR 72.14(d)(4)(ii) where such sale is not required under that interconnection agreement or related power purchase agreement or successor agreement or where such sale will result in total sales for a calendar year exceeding 10 percent of the nameplate capacity of that generator times 8,769 hours per year, then the day after the date on which such sale is made. (D) If any generator served by the unit actually produces any electricity for sale to the person specified as the purchaser in the interconnection agreement or related power purchase agreement under paragraph 40 CFR 72.14(a)(2) or a successor agreement under 40 CFR 72.14(d)(4)(ii) where such sale results in total sales for a calendar year exceeding 10 percent of the actual electric output of the generator for that year, then January 1 of the year after such year. (E) If the interconnection agreement or related power purchase agreement under 40 CFR 72.14(a)(2) expires or is terminated, no successor agreement under 40 CFR 72.14(d)(4)(ii) is in effect, and any generator served by the unit actually produces any electricity for sale, then the day after the date on which such electricity is sold.

(ii) A "successor agreement" is an agreement that: (A) Modifies, replaces or supersedes the interconnection agreement or related power purchase agreement under 40 CFR 72.14(a)(2); (B) Is between the owners and operators of the unit and a person that is contractually obligated to sell electricity to the owners and operators of the unit and either whose principal business is the sale, transmission, or distribution of electricity or that is a public utility under the jurisdiction of a State or local utility regulatory authority; and (C) Requires the generator served by the unit to produce electricity for sale to the person under 40 CFR 72.14(d)(4)(ii)(B) and only for incidental electricity sales, such that the total amount of electricity that such generator is required to produce for sale under the interconnection agreement or related power purchase agreement (to the extent they are still in effect) and the successor agreement shall not exceed the total amount of electricity that such generator was required to produce for sale under the interconnection agreement or related power purchase agreement under 40 CFR 72.14(a)(2).

(iii) Notwithstanding 40 CFR 72.30(b) and (c), the designated representative for a unit that loses its exemption under 40 CFR 72.14 shall submit a complete Acid Rain permit application on the later of January 1, 1998 or 60 days after the first date on which the unit is no longer exempt.

(iv) For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under 40 CFR 72.14 shall be treated as a new unit that commenced commercial operation on the first date on which the unit is no longer exempt.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Date
Signature	

